

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

ALMO MUSIC CORP., et al.,

Plaintiffs,

v.

ETTLED, LLC, GEORGE ROY ETTWEIN, and
BLACK FOREST OF ASHEVILLE, INC.,

Defendants.

Civil Action

No. 01:08-cv-237

FINAL CONSENT JUDGMENT

FILED
ASHEVILLE, N.C.
MAR 12 2009
U.S. DISTRICT COURT
W. DIST. OF N.C.

WHEREAS, the Complaint in this action was filed on June 12, 2009, and the Complaint and Amended Complaint and the summonses were duly served on the defendants; and

WHEREAS, defendants at the time of the infringements involved in this action and at all times relevant owned and/or operated, and defendant Black Forest of Asheville, Inc. still owns and operates, an establishment known as Black Forest Restaurant in Arden, North Carolina (the "Establishment"); and

WHEREAS, defendant George Roy Ettwein ("Ettwein"), at the time of the infringements involved in this action and at all times relevant operated and managed the Establishment and was and is the principal shareholder of defendant Black Forest of Asheville, Inc.; and

WHEREAS, Defendants acknowledge that they willfully infringed the copyrights in plaintiffs' compositions and the compositions of other ASCAP members by performing such compositions, on a regular basis, at the Establishment without permission; and

WHEREAS, Defendants acknowledge that they have consulted, or had the opportunity to consult, with counsel regarding the representations made herein and the obligations created by this Consent Judgment; and

WHEREAS, Defendant Ettwein acknowledges that he is jointly and severally liable with the other defendants for the satisfaction of the debt created by this Final Consent Judgment; and

WHEREAS, Defendants hereby admit each and every allegation contained in the Complaint; and

WHEREAS, the Court having hereby adopted the foregoing findings and the parties having further agreed that the Court shall enter judgment on the foregoing findings and as provided below;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

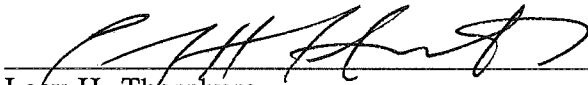
1. Defendants are enjoined and restrained permanently from publicly performing any or all of the plaintiffs' and all other ASCAP members' copyrighted musical compositions and from causing or permitting such copyrighted musical compositions to be performed publicly at their Establishment, or at any other restaurant, nightclub, or other establishment owned, operated or conducted by Defendants or any related business entity, and from aiding and abetting public performances of such copyrighted musical compositions, unless Defendants

previously shall have obtained permission for such performances either directly from the copyright owners or by license from ASCAP.

2. Judgment is hereby entered in favor of Plaintiffs and against all Defendants, jointly and severally, in the amount of \$13,000.00.

3. Upon execution of this Final Consent Judgment, ASCAP shall offer to defendant Black Forest of Asheville, Inc., and Black Forest of Asheville, Inc. agrees to accept, execute and comply with all of the terms of, a "General License Agreement - Restaurants, Bars, Nightclubs and Similar Establishments" for the Establishment commencing January 1, 2009, and shall pay to ASCAP the fees due under said License Agreement from January 1, 2009 forward. Defendants agree that they shall make timely payments of all fees due under said License Agreement.

IT IS SO ORDERED this 12th day of March, 2009.



Lacy H. Thornburg
United States District Judge

We have read, understand and consent to the entry of the foregoing judgment against defendants Ettled, LLC, George Roy Ettwein and Black Forest of Asheville, Inc., jointly and severally.

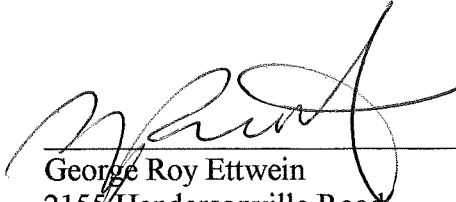
DATED: February 24, 2009

DATED: February 24, 2009



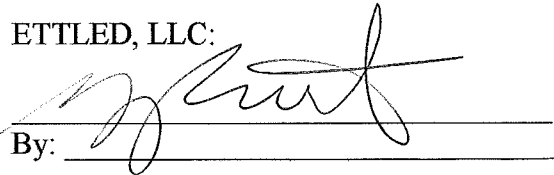
/s/ Michael J. Allen

Michael J. Allen
N.C. State Bar No. 18030
Attorney for Plaintiffs
CARRUTHERS & ROTH, P.A.
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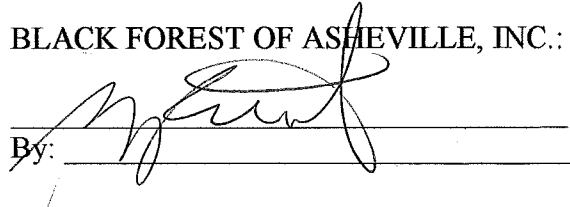
George Roy Ettwein
2155 Hendersonville Road
Arden, NC 28704

ETTLED, LLC:



By: _____

BLACK FOREST OF ASHEVILLE, INC.:



By: _____